

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF WEST VIRGINIA**

GARY W. RICH and LAW OFFICE OF GARY)	
W. RICH, L.C.,)	
)	
Plaintiffs/Counter-Defendants,)	Civil Action No. 1:12-cv-12-IMK
)	
v.)	Judge Irene Keeley
)	
JOSEPH SIMONI,)	Magistrate Judge Michael Aloï
)	
Defendant/Counter-Plaintiff.)	
)	
<hr/> GARY W. RICH and LAW OFFICE OF GARY)	
W. RICH, L.C.,)	
)	
Third-Party Plaintiffs,)	
)	
v.)	
)	
BARON AND BUDD, a professional)	
corporation; COCHRAN, CHERRY, GIVENS,)	
SMITH, LANE & TAYLOR P.C.; and LEVIN,)	
PAPANTONIO, THOMAS, MITCHELL,)	
RAFFERTY & PROCTOR, P.A.,)	
)	
Third-Party Defendants.)	
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**NOTICE OF SUBMISSION REGARDING SCHEDULING
AND PROPOSED SCHEDULING ORDER**

Plaintiffs/Counter-Defendants/Third-Party Plaintiffs/Third-Party Counter-Defendants

Gary W. Rich and Law Office of Gary W. Rich, L.C. hereby submit the following and attached proposed scheduling order for the Court's consideration. On November 6, 2015, the Court directed the parties to confer on a schedule for the remaining proceedings in this case with a view towards a trial date of December 5 or December 12, 2016. We have conferred with counsel for the Third-Party Defendants but have not come to agreement on a single proposed schedule.

Accordingly, we are submitting herein our recommendations and proposals with respect to further proceedings in this case.

The only remaining claims in this matter are the counterclaims for indemnification asserted by Third-Party Defendants/Third-Party Counterclaimants Baron & Budd, P.C.; Levin, Papantonio, Thomas, Mitchell, Rafferty & Proctor, P.A.; and The Cochran Firm-Dothan, P.C. against Plaintiffs/Counter-Defendants/Third-Party Plaintiffs/Third-Party Counter-Defendants Gary W. Rich and Law Office of Gary W. Rich, L.C. For ease of reference, the former are referred to in the Table below as “Plaintiffs” and the latter are referred to as “Defendants” consistent with the parties’ respective positioning with respect to the claims remaining to be adjudicated.

As set forth in detailed in the attached proposed Scheduling Order, we propose a schedule consisting of the following dates:

TABLE OF DATES AND DEADLINES	
PLAINTIFFS’ MOTION FOR LEAVE TO AMEND COUNTERCLAIM	December 4, 2015
PLAINTIFFS’ FULL AND COMPLETE RULE 26(a)(1)(A) DISCLOSURES	December 4, 2015
PLAINTIFFS’ EXPERT DISCLOSURE	March 15, 2016
DEFENDANTS’ EXPERT DISCLOSURE	April 15, 2016
COMPLETION OF DISCOVERY	May 16, 2016
SUMMARY JUDGMENT MOTIONS	July 8, 2016
RESPONSE TO SUMMARY JUDGMENT MOTIONS	August 1, 2016

REPLY TO SUMMARY JUDGMENT MOTIONS	August 18, 2016
<i>DAUBERT</i> MOTIONS	October 14, 2016
RESPONSE TO <i>DAUBERT</i> MOTIONS	October 28, 2016
REPLY ON <i>DAUBERT</i> MOTIONS	November 4, 2016
PLAINTIFFS' LIST OF WITNESES AND EXHIBITS	November 4, 2016
DEFENDANTS' LIST OF WITNESSES AND EXHIBITS	November 4, 2016
MOTIONS IN LIMINE	November 11, 2016
RESPONSES TO MOTIONS IN LIMINE	November 18, 2016
INTERROGATORIES AND DEPOSITIONS TO BE USED AT TRIAL	November 11, 2016
OBJECTIONS TO INTERROGATORIES AND DEPOSITIONS	November 18, 2016
PROPOSED VOIR DIRE, JURY INSTRUCTIONS, VERDICT FORMS & SPECIAL INTERROGATORIES	November 18, 2016
JOINT PRETRIAL ORDER	November 18, 2016
DESIGNATION OF JOINT EXHIBITS	November 22, 2016
FINAL LIST OF EXHIBITS	November 22, 2016
OBJECTIONS TO FINAL LIST OF EXHIBITS	November 29, 2016

STIPULATION OF FACTS	November 22, 2016
PROPOSED EXPERT WITNESS BIOGRAPHICAL SKETCHES	November 22, 2016
PRETRIAL CONFERENCE/FINAL SETTLEMENT CONFERENCE	November 29, 2016, 10:00 a.m.
TRIAL DATE	December 5, 2016, 9:30 a.m. 3 to 5 Trial Days

We note specifically that we object to any schedule that would shorten the response times to a pleading, motion, disclosure, or other event to a period shorter than that provided for by the Federal Rules of Civil Procedure or the Court's Local Rules.

Further, we also object to any proposal that the Court schedule motions in limine and pretrial disclosures for a period of time months in advance of the actual trial date, as the Third-Party Defendants have proposed to us. Separating such events from the trial date and requiring them before the Court has had a chance to address any motions for summary judgment that may be filed presents a risk of unnecessary consumption of time and resources.

Respectfully submitted,

DATED: November 17, 2015

/s/ E. Ryan Kennedy
Richard W. Gallagher (Bar No. 1327)
E. Ryan Kennedy (Bar No. 10154)
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Counsel for Plaintiffs/Counter-Defendants

CERTIFICATE OF SERVICE

I, E. Ryan Kennedy, counsel for Plaintiffs/Counter-Defendants Gary W. Rich and the Law Office of Gary W. Rich, L.C., do hereby certify that I have caused to be served the foregoing **NOTICE OF SUBMISSION REGARDING SCHEDULING AND PROPOSED SCHEDULING ORDER** upon the below counsel of record this 17th day of November, 2015, via the Court's electronic filing system:

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Pensacola, FL 32502

DATED: November 17, 2015

/s/ E. Ryan Kennedy
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